

REMARKS

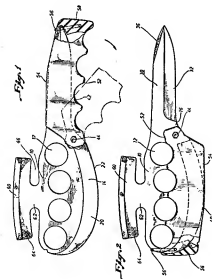
Applicant would like to thank the Examiner for the courtesies extended to Applicant and Applicant's representative during the telephone interview of October 8, 2008. With this Amendment, Claims 1-25, 27-33, 37, 38, and 40-41 are pending. Claims 1 and 24 have been amended as discussed as in the interview.

Claim Rejections – 35 U.S.C. § 103

In the outstanding Office Action, the Examiner rejected Claims 1-33 and 37-41 under 35 U.S.C. § 103(a) as being unpatentable over Harrison (US Patent No. 4,546,510). For at least the reasons discussed below and as discussed during the interview, Applicant respectfully traverses the Examiner's rejections.

Harrison

Harrison describes a handtool having an axe blade and a knife blade and which are alternatively covered by a pivotally mounted sheath 40 or cover. (Col. 1, lines 5-8). The cover is pivotally mounted to the body 10 of the tool such that it is movable between a first position covering a sharpened edge 32 of a knife 30 (shown below in Figure 1) and a second position covering a cutting surface of an axe 20 (shown below in Figure 2). (Col. 3, lines 1-7). Each of the knife 30 and the axe 20 have sharpened surfaces. (Col. 3, lines 29-43, 66-67).



Claim 1 has been amended to recite, inter alia, that “the elongated shaft of the personal defense device that comprises the proximal end, distal end, forward side and rearward side is fabricated from a single piece of material that comprises blunt, rounded edges substantially entirely thereabout.” Furthermore, Claim 1 as amended recites that “the proximal end of the elongated shaft that comprises the opening extends proximally and forward from a proximal-most recess on the forward side of the elongated shaft, such that the proximal end comprising the opening and the protrusion at the distal end of the elongated shaft are positioned opposite to one another at locations forward of the open-sided recesses on the forward side of the elongated shaft.” Applicant submits that Harrison fails to teach or suggest an elongated shaft having the features claimed fabricated from a single piece of material that comprises blunt, rounded edges substantially entirely thereabout. Moreover, Applicant submits that Harrison fails to teach or suggest an elongated shaft having a proximal end comprising an opening and a protrusion at a distal end that are positioned opposite to one another at locations forward of open-sided recesses on the forward side of the elongated shaft. Accordingly, Applicant submits that Claim 1 is patently distinct from the prior art.

Claim 24 has been amended to recite, inter alia, that “the elongated shaft of the personal defense device that comprises the proximal end, distal end, forward finger-receiving side and rearward palm-receiving side is fabricated from a single piece of material that comprises blunt, rounded edges substantially entirely thereabout.” Moreover, Claim 24 as amended recites that “the proximal end of the elongated shaft that comprises the opening extends proximally and forward from a proximal-most recess on the forward finger-receiving side of the elongated shaft, and wherein the protrusion at the distal end of the elongated shaft extends distally and forward from a distal-most recess on the forward finger-receiving side of the elongated shaft, such that the proximal end comprising the opening and the protrusion at the distal end of the elongated shaft are positioned opposite to one another at locations forward of the open-sided recesses on the forward finger-receiving side of the elongated shaft.” Applicant submits that Harrison fails to teach or suggest an elongated shaft having the features claimed fabricated from a single piece of material that comprises blunt, rounded edges substantially entirely thereabout. Moreover, Applicant submits that Harrison fails to teach or suggest an elongated shaft having a proximal end comprising an opening and a protrusion at a distal end that are positioned opposite to one

another at locations forward of open-sided recesses on the forward finger-receiving side of the elongated shaft." Accordingly, Applicant submits that Claim 24 is patently distinct from the prior art.

Claims 2-23, 25, 27-33, 37, 38, and 40-41 depend from either Claim 1 or Claim 24, recite a unique combination of features not taught or suggested by the cited art. Applicant thus submits that these claims are also allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or prior art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

The undersigned has made a good faith effort to respond to all of the rejections in the case, and to place the claims and conditions for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

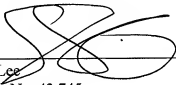
Application No.: 10/695,683
Filing Date: October 29, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10-10-08

By: 
Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

6054084
100808